

AMENDED IN ASSEMBLY APRIL 25, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2165

Introduced by Assembly Member La Suer

(~~Coauthor: Assembly Member Strickland~~ *Coauthors: Assembly Members Chavez, Harman, Koretz, La Malfa, and Strickland*)

February 21, 2006

An act to add Section 67362 to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2165, as amended, La Suer. Postsecondary education: intercollegiate athletics.

(1) Existing law, the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by resolution, act to make them applicable. Existing provisions of the act prohibit a person from offering, promising, or attempting to give any money or other thing of value to a student athlete to induce, encourage, or reward the student athlete's application, enrollment, or attendance; at a public or private institution of higher education.

Existing law authorizes the governing board of a community college district to enforce rules and regulations relating to eligibility for and participation in intercollegiate athletics.

This bill, notwithstanding the provision that authorizes community college district governing boards to enforce rules and regulations relating to intercollegiate athletics or any other provision of law, would prohibit any student athlete enrolled at any campus of the University of California, the California State University, or the California Community Colleges from participating as a member of any intercollegiate athletic team, or as a participant in any intercollegiate athletic event, if he or she, at any time after his or her enrollment as a college or university student, is prosecuted as an adult and is convicted of any of several specified crimes.

The bill would provide that an institution to which the bill applies may rely upon the ~~statements of students~~ *statement of a student athlete*, provided under penalty of perjury, to determine ~~a student's~~ *his or her* eligibility for participation in intercollegiate athletics with respect to the requirements of the bill. The bill would also authorize an institution to which the bill applies to seek, at the discretion of its appropriate administrators, independent confirmation of the truth of any and all of the statements of ~~students~~ *a student athlete* taken pursuant to the bill.

The bill would provide that a student convicted of a violation of any of the crimes set forth in the bill is eligible to participate as a member of an intercollegiate athletic team after he or she successfully completes the entire term of his or her probation or successfully completes his or her assigned prison term and parole period, if any.

Pursuant to existing law, the bill would apply to the University of California only to the extent that the regents act, by resolution, to make the bill applicable.

To the extent that the bill would create new duties for community college districts with respect to determining the eligibility of students for intercollegiate athletics, and because the bill expands the scope of the crime of perjury, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains

costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 67362 is added to the Education Code,
2 to read:

3 67362. (a) Notwithstanding Section 78223 or any other
4 provision of law, no student athlete enrolled at any campus of the
5 University of California, the California State University, or the
6 California Community Colleges may participate as a member of
7 any intercollegiate athletic team, or as a participant in any
8 intercollegiate athletic event, except in a manner available to the
9 general public, if he or she, at any time after his or her enrollment
10 as a college or university student, is prosecuted as an adult and is
11 convicted of a violation of Section 187, 209, 210, 211, 220,
12 243.8, 245, 261, 262, 264.1, 286, 288, 288a, 288.5, 289, or 459
13 of, or is convicted of attempted murder pursuant to subdivision
14 (a) of Section 664 of, the Penal Code.

15 (b) An institution to which this section applies may rely upon
16 ~~the statements of students~~ *statement of a student athlete*,
17 provided under penalty of perjury, to determine ~~a student's~~ *his or*
18 *her* eligibility for participation in intercollegiate athletics with
19 respect to the requirements of this section. An institution to
20 which this section applies may, at the discretion of its appropriate
21 administrators, seek independent confirmation of the truth of any
22 and all of the statements of ~~students~~ *a student athlete* taken
23 pursuant to this subdivision.

24 (c) A student convicted of a violation of any of the sections
25 listed in subdivision (a) is eligible to participate as a member of
26 an intercollegiate athletic team after he or she successfully
27 completes the entire term of his or her probation or successfully
28 completes his or her assigned prison term and parole period, if
29 any.

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution for
32 certain costs that may be incurred by a local agency or school
33 district because, in that regard, this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the
2 penalty for a crime or infraction, within the meaning of Section
3 17556 of the Government Code, or changes the definition of a
4 crime within the meaning of Section 6 of Article XIII B of the
5 California Constitution.

6 However, if the Commission on State Mandates determines
7 that this act contains other costs mandated by the state,
8 reimbursement to local agencies and school districts for those
9 costs shall be made pursuant to Part 7 (commencing with Section
10 17500) of Division 4 of Title 2 of the Government Code.